

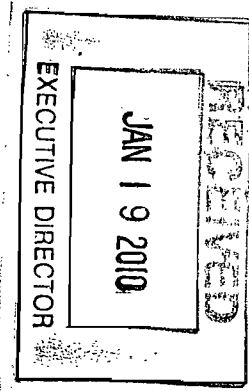
URS

COMPLETED

January 14, 2010

Mr. Ron Yasny
Compliance Project Manager
Energy Facilities Siting Division
California Energy Commission
1516 9th St. Mail Stop 2000
Sacramento, Ca. 95814-5512

| | |
|----------------------------|-------------|
| DOCKET 99-AFC-5C | |
| DATE | JAN 14 2010 |
| RECD. | JAN 19 2010 |



**SUBJECT: Otay Mesa Energy Center
Docket No. 99-AFC-5C
Submission of Final Cultural Resources Report Pursuant to
Condition (CUL-12, CUL-13 and CUL-14)**

Dear Mr. Yasny:

On behalf of Mr. David Ivester, Otay Mesa Energy Center Compliance Specialist, please find enclosed pursuant to Condition CUL-12 and your direction by e-mail dated January 12, 2010 two hard copies of the Final Cultural Resources Report (CRR) and one copy on a cd. Also enclosed is an Application for Confidential Designation. Pursuant to CUL-13 requisite copies of this document have been sent to the following offices:

Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
1416 9th Street, Room 1442-7
Sacramento, California 95814

South Coastal Information Center
Dept of Anthropology
College of Arts and Letters
4283 El Cajon Blvd, Suite 250
San Diego, CA 92105
Attn: David Caterino or Nick Doose

URS Corporation
1333 Broadway, Suite 800
Oakland, CA 94612-1924
Tel: 510.893.3600
Fax: 510.874.3268



San Diego Archaeological Center
16666 San Pasqual Valley Road
Escondido, CA 92027-7001
Attn: Cindy Stankowski

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Attn: Gail Wright

Pursuant to CUL-13 documentation of transmittal will be provided to you in an e-mail with a pdf of the transmittals. Pursuant to CUL-14 all recovered materials were previously provided to the San Diego Archaeological Center, the approved repository for this project.

If you have any questions, please feel free to contact me at (510) 874-3195, or by e-mail at brian_hatoff@urscorp.com.

Sincerely,

A handwritten signature in black ink that reads 'Brian W. Hatoff'.

Brian W. Hatoff
Senior Project Archaeologist
URS

cc(w/attachments): David Ivester
cc (w/o attachments): Dennis Gallegos
Angela Leiba, URS

APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 CCR 2505)

OTAY MESA ENERGY CENTER, LLC
APPLICATION FOR CERTIFICATION
OTAY MESA ENERGY CENTER
(DOCKET NO. 99-AFC-05)

CULTURAL RESOURCES REPORT

APPLICANT: Otay Mesa Energy Center, LLC

ADDRESS: 647 Alta Road, San Diego, CA 92154-5797

- 1(a) Title, date, and description of the record for which you request confidential designation.

Otay Mesa Energy Center Cultural Resources Report (including Appendices B and C) for Otay Mesa Energy Center, 647 Alta Road, San Diego, CA 92154-5797. January 2010.

- 1(b) Specify the part(s) of the record for which you request confidential designation.

Applicant requests that the Cultural Resources Report and Appendices B and C, be designated as confidential.

- 2 State and justify the length of time the Commission should keep the record confidential.

The information should be kept confidential indefinitely to protect cultural resources identified in the report. If the descriptions of the location of the cultural resources are released to the public domain, there is an unacceptable risk of looting.

- 3(a) State the provision(s) of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

The site descriptions are essentially equivalent to the information maintained by the State Historical Resources Commission, which are exempted from disclosure by sections 6254.10 and 6254(r) of the Public Records Act, respectively [Cal. Govt. Code Sections 6254.10, 6254(r)].

- 3(b) Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant and the ease of difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest would be served by nondisclosure by preventing the unauthorized looting of the archaeological resources described in the Cultural Resources Report and Appendices B and C specified in response 1, above. Such looting would preclude scientific study of the worthy site to gain historical data about human use of the area.

- 4 State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.


The site location descriptions cannot be masked because masking will still reveal the location of the site that is the essence of the record that requires confidential treatment.

- 5 State how the record is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

The Cultural Resources Report has not been disclosed by the applicant to anyone other than the applicant's employees or agents and the Commission Staff. Applicant cannot certify, however that the report prepared under the direction of others, e.g. URS Corporation and Gallegos & Associates has not been revealed to others.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: January 14, 2010

Signed: 

Name (print): Brian W. Hatoff

Title: Senior Project Archaeologist

Representing: URS Corporation